

ASSEMBLY BILL

No. 2112

Introduced by Assembly Members Dahle and Chesbro

February 20, 2014

An act to amend Section 4590 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 2112, as introduced, Dahle. Forestry: timber operations.

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and is approved by, the Department of Forestry and Fire Protection. Existing law requires a timber harvesting plan approved on or after July 1, 2012, to be effective for a period of not more than 5 years, unless extended as provided. Existing law requires the notice of extension to be provided to the department not sooner than 30 days, but at least 10 days, prior to the expiration of the plan.

This bill would instead require the notice of extension to be provided to the department not sooner than 140 days, but at least 10 days, prior to the expiration of the plan and would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4590 of the Public Resources Code is
2 amended to read:

1 4590. (a) (1) A timber harvesting plan approved on or after
2 July 1, 2012, is effective for a period of not more than five years,
3 unless extended pursuant to paragraph (2).

4 (2) A timber harvesting plan, on which timber operations have
5 commenced but not been completed, may be extended by
6 amendment for a two-year period in order to complete the timber
7 operations, if both of the following occur:

8 (A) Good cause is shown.

9 (B) All timber operations are in conformance with the plan, this
10 chapter, and all applicable rules and regulations, upon the filing
11 of the notice of extension as required by this section.

12 (b) The extension shall apply to any area covered by the plan
13 for which a report has not been submitted under Section 4585. The
14 notice of extension shall be provided to the department not sooner
15 than ~~30~~ 140 days, but at least 10 days, prior to the expiration date
16 of the plan. The notice shall include the circumstances that
17 prevented a timely completion of the timber operations under the
18 plan and, consistent with Section 4583, an agreement to comply
19 with this chapter and the rules and regulations of the board as these
20 exist on the date the extension notice is filed.

21 (c) Stocking work may continue for more than the effective
22 period of the plan under subdivision (a), but shall be completed
23 within five years after the conclusion of other work.

24 (d) ~~(4)~~ A timber harvesting plan that is approved on or after
25 January 1, 2010, to August 31, 2012, inclusive, may be extended
26 by amendment for a two-year period in order to complete the
27 timber operations, up to a maximum of two 2-year extensions, if
28 the plan complies with subparagraphs (A) and (B) of paragraph
29 (2) of subdivision (a) and the notice of extension, pursuant to
30 subdivision (b), includes written certification by a registered
31 professional forester that neither of the conditions in subdivision
32 (e) has occurred.

33 ~~(2) Notwithstanding the notice provision of subdivision (b), for~~
34 ~~the purposes of this subdivision, the notice of extension shall be~~
35 ~~provided to the department not sooner than 140 days, but at least~~
36 ~~10 days, prior to the expiration date of the plan.~~

37 (e) The department shall not approve an extension pursuant to
38 subdivision (a) or (d) if either of the following has occurred:

39 (1) Listed species, as defined in Article 1 (commencing with
40 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game

1 Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531
2 et seq.), have been discovered in the logging area of the plan since
3 approval of the timber harvesting plan.

4 (2) Significant physical changes to the harvest area or adjacent
5 areas have occurred since the timber harvesting plan's cumulative
6 impacts were originally assessed.

7 (f) An extension of a timber harvesting plan on which either of
8 the conditions in subdivision (e) has occurred may be obtained
9 only pursuant to Section 1039 of Title 14 of the California Code
10 of Regulations.